



- 1 B. ( ) On motion by the Government/( ) on Court's own motion, in a case  
2 allegedly involving:  
3  On the further allegation by the Government of:  
4 1.  a serious risk that the defendant will flee.  
5 2. ( ) a serious risk that the defendant will:  
6 a. ( ) obstruct or attempt to obstruct justice.  
7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.  
9 C. The Government  is/( ) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

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13 **II.**

- 14 A.  The Court finds that no condition or combination of conditions will  
15 reasonably assure:  
16 1.  the appearance of the defendant as required.  
17  and/or  
18 2.  the safety of any person or the community.  
19 B.  The Court finds that the defendant has not rebutted by sufficient evidence to  
20 the contrary the presumption provided by statute.

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22 **III.**

- 23 The Court has considered:  
24 A.  the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or involves  
26 a minor victim or a controlled substance, firearm, explosive, or destructive  
27 device;  
28 B.  the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and
- 2 D. (X) the nature and seriousness of the danger to any person or the community.

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4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services  
7 Report/recommendation.

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9 **V.**

10 The Court bases the foregoing finding(s) on the following:

- 11 A. (X) As to flight risk:

12 Background info unverified;

13 family ties are all to Mexico;

14 lack of bail resources;

15 lack of employment;

16 lack of personal or economic ties

17 to CDCA;

18 admitted <sup>recent</sup> substance abuse problem

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- 21 B. (X) As to danger:

22 nature of the allegations;

23 admitted recent ~~substance~~ abuse

1 VI.  
2

- 3 A. ( ) The Court finds that a serious risk exists the defendant will:  
4       1. ( ) obstruct or attempt to obstruct justice.  
5       2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.  
6 B. The Court bases the foregoing finding(s) on the following:  
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10 VII.  
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- 12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the  
14 Attorney General for confinement in a corrections facility separate, to the extent  
15 practicable, from persons awaiting or serving sentences or being held in custody  
16 pending appeal.  
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity  
18 for private consultation with counsel.  
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
20 request of any attorney for the Government, the person in charge of the corrections  
21 facility in which defendant is confined deliver the defendant to a United States  
22 marshal for the purpose of an appearance in connection with a court proceeding.  
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24 DATED: 10/18/12

25 ROBERT N. BLOCK  
26 UNITED STATES MAGISTRATE JUDGE  
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